

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	252209-1020
First Inventor	Hong et al.
Title	Apparatus And Method For Rendering Graphics Primitives Using A Multi-Pass Rendering Approach
Express Mail Label No.	EL993862212US

PTO  
69684  
10/12/04

120503

**APPLICATION ELEMENTS**

See MPEP Chapter 600 concerning utility patent application contents

**ADDRESS TO:**Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. <input checked="" type="checkbox"/>	Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original, and a duplicate for fee processing)	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)	
2. <input type="checkbox"/>	Applicant claims small entity status. See CFR 1.27	8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)	
3. <input checked="" type="checkbox"/>	Specification (preferred arrangement set forth below)	a. <input type="checkbox"/> Computer Readable Copy (CRF)	
	[Total Pages] 23	b. <input type="checkbox"/> Specification Sequence Listing on:  i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper	
		c. <input type="checkbox"/> Statements verifying identity of above copies	
4. <input checked="" type="checkbox"/>	Drawing(s) (35 USC 113)	[Total Sheets] 5	
5. <input type="checkbox"/>	Oath or Declaration	[Total Pages] 4	
a. <input checked="" type="checkbox"/>	Newly Executed (original or copy)	9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & Documents(s))	
b. <input type="checkbox"/>	Copy from a prior application (37 CFR §1.63(d)) (for continuation/divisional with Box 18 completed)	10. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee) <input type="checkbox"/> Power of Attorney	
i. <input type="checkbox"/>	DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	11. <input type="checkbox"/> English Translation Document (if applicable)	
6. <input type="checkbox"/>	Application Data Sheet. See 37 CFR 1.76	12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations	
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:	13. <input type="checkbox"/> Preliminary Amendment		
<input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP)	14. <input type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)		
Prior application information: Examiner _____	15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)		
For CONTINUATION OR DIVISIONAL APPS only: the entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. This incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.			16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
			17. <input checked="" type="checkbox"/> Other: Petition To File Application On Behalf Of Inventor Who Refuses To Sign

**ACCOMPANYING APPLICATION PARTS**

18. CORRESPONDENCE ADDRESS

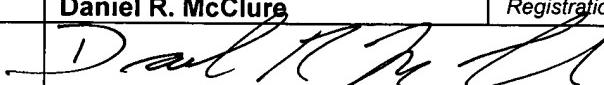
 Customer Number:

24504

OR

 Correspondence address below:

NAME	Daniel R. McClure Thomas, Kayden, Horstemeyer & Risley, L.L.P.			
ADDRESS	100 Galleria Parkway Suite 1750			
CITY	Atlanta	STATE	Georgia	ZIP CODE
COUNTRY	U.S.A.	TELEPHONE	770-933-9500	FAX

Name (Print/Type)	Daniel R. McClure	Registration No. (Attorney/Agent)	38,962
Signature			Date
			12-5-03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 1.22 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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15750  
120503  
**U.S.PTO**

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revisions.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$1 1220.00)

Complete If Known	
Application Number	Unassigned
Filing Date	December 5, 2003
First Named Inventor	Hong et al.
Examiner Name	Unassigned
Group / Art Unit	Unassigned
Attorney Docket No.	252209-1020

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  Other  None

 Deposit Account

Deposit Account Number

20-0778

Deposit Account Name

Thomas, Kayden, Horstemeyer Risley, L.L.P.

## The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee (\$)	Fee (\$)
1001	2001	385	Utility Filing Fee
1002	2002	170	Design Filing Fee
1003	2003	265	Plant Filing Fee
1004	2004	385	Reissue Filing Fee
1005	2005	80	Provisional Filing Fee
SUBTOTAL (1)		(\$770)	

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims	Fee From Below	Fee Paid
26 - 20** = 6	X 18.00 = 108	
5 - 3** = 2	X 86.00 = 172	
0	290.00 = 0	

Large Entity	Small Entity	Fee Description
Fee Code	Fee Code	Fee (\$)
1202	2202	9
1201	2201	43
1203	2203	145
1204	2204	43
1205	2205	9
SUBTOTAL (2)		(\$280)

## FEES CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee (\$)	Fee (\$)
1051	2051	65	Surcharge-late filing fee or oath
1052	2052	25	Surcharge-late provisional filing fee or cover sheet
1053	1053	130	Non-English specification
1812	1812	2,520	For filing a request for ex parte reexamination
1804	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1805	1,840*	Requesting publication of SIR after Examiner action
1251	2251	55	Extension for reply within first month
1252	2252	210	Extension for reply within second month
1253	2253	475	Extension for reply within third month
1254	2254	740	Extension for reply within fourth month
1255	2255	1,005	Extension for reply within fifth month
1401	2401	165	Notice of Appeal
1402	2402	165	Filing a brief in support of an appeal
1403	2403	145	Request for oral hearing
1451	1451	1,510	Petition to institute a public use proceeding
1452	2452	55	Petition to revive-unavoidable
1453	2453	655	Petition to revive-unintentional
1501	2501	665	Utility issue fee (or reissue)
1502	2502	240	Design issue fee
1503	2503	320	Plant issue fee
1460	1460	130	Petitions to the Commissioner
1807	1807	50	Processing fee for provisional application
1806	1806	180	Submission of Information Disclosure Stmt
8021	8021	40	Recording each patent assignment per property (times number of properties)
1809	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	2810	385	For each add. invention to be examined (37 CFR 1.129(b))
1801	2801	385	Request for Continued Examination (RCE)
1802	1802	900	Request for expedited exam. of a design application
Other fee (specify)			
SUBTOTAL (3)		(\$ 170)	

\*\*or number previously paid, if greater; For Reissues, see above

\*Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Complete (if applicable)

Typed or Printed Name	Daniel R. McClure	Registration No. 38,962	Telephone Number	770-933-9500
Signature			Date	Dec 5, 2003

WARNING: Information on this form may become public. Credit Card Information should not be included on this form. Provide credit card information and authorization on PTO-2038

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 USC 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: **Hong et al.**

For: **Apparatus And Method For Rendering Graphics Primitives  
Using A Multi-Pass Rendering Approach**

**CERTIFICATE OF EXPRESS MAIL**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Enclosed for filing in the above case are the following documents:

Return Postcard  
Utility Patent Application Transmittal Page  
Fee Transmittal Page  
Utility Patent Application Consisting Of:  
    17 Pages of Specification  
    5 Pages of Claims (Claims 1-26)  
    1 Page of Abstract  
    5 Pages of Formal Drawings (Fig(s). 1-4)  
Declaration  
Credit Card Authorization Form (Amount: \$1220.00)  
IDS/PTO Form 1449/Cited References  
Assignment/Recordation Form Cover Sheet  
Petition To File Application On Behalf Of Inventor Who Refuses To Sign

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.

Respectfully submitted,

**Daniel R. McClure, Reg. No. 38,962**



**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.  
100 Galleria Parkway, N.W.  
Suite 1750  
Atlanta, Georgia 30339-5948**

Our Docket No: **252209-1020**

I hereby certify that all correspondence listed above are being deposited for delivery to the above addressee, with the United States Postal Service "**EXPRESS MAIL POST OFFICE TO ADDRESSEE**" service under 37 CFR §1.10 on the date indicated below:

The envelope has been given U.S. Postal Service "Express Mail Post Office To Addressee"  
Package # **EL993862212US**.

Date: December 5, 2003

  
**Hui Chin Barnhill**

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of: )  
Hong et al. )  
Serial Number: Unassigned )  
Filed: Herewith )  
Title: **Apparatus and Method for Rendering** )  
**Graphics Primitives Using a Multi-Pass** )  
**Rendering Approach** )  
Attorney Docket No. 252209-1020

**PETITION TO FILE APPLICATION ON BEHALF OF INVENTOR  
WHO REFUSES TO SIGN**

Assistant Commissioner of Patents  
U.S. Patent & Trademark Office  
Washington, D.C. 20231

Sir:

As the attorney of record (by virtue of the accompanying Power of Attorney document) for the inventor and assignee (VIA Technologies, Inc.), I hereby petition to file the accompanying application on behalf of Michael Hong. Mr. Hong is a co-inventor of the present application. Mr. Hong conceived the subject matter of this invention while employed by S3 Graphics, Inc. (and affiliate of VIA Technologies). Mr. Hong, however, no longer works for S3 Graphics, Inc. and has refused to sign the declaration that was presented to him.

The undersigned attorney spoke with Mr. Hong by telephone on or about October 22, 2003. During that conversation, Mr. Hong told the undersigned that he now worked for a competitor company, but that he would be willing to review the application and sign the formal papers on his personal time. In follow-up to that conversation, the undersigned sent Mr. Hong the application and formal papers both by certified mail and by email. The undersigned has

follow-up at least two subsequent times by email. Unfortunately, to date, Mr. Hong has neither signed the documents, nor responded in any way to the emails.

It is assumed that the emails were successfully delivered, as the undersigned received no delivery error notifications. Further, the application was mailed to Mr. Hong by certified mail, and a copy of the return receipt is attached hereto (Exhibit A) to verify successful receipt by Mr. Hong. Similarly, copies of the emails that were sent to Mr. Hong are attached hereto at Exhibit B.

Therefore, the attached (along with the statements herein by the undersigned) clearly evidence that Mr. Hong has been presented with the application papers. Further, Mr. Hong's statement that he works for a competitor company, along with his complete failure to return the formal papers or respond to any email inquiry is sufficient to evidence his refusal to sign these papers. Therefore, the co-inventor (and assignee VIA Technologies, Inc.) are entitled to file this application on behalf of Mr. Hong.

Accordingly, the undersigned hereby petitions the Patent Office, pursuant to 37 C.F.R. § 1.47, to allow the co-inventor and Assignee (VIA Technologies, Inc.) it to file this application on Mr. Hong's behalf.

A credit card authorization is enclosed, authorizing the charge of the fee to cover this petition. Should any additional fee be required, you are hereby authorized to charge any such additional fee to Deposit Account No. 20-0778.

Respectfully submitted,



Daniel R. McClure  
Registration No. 38,962

**THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.**  
Suite 1750  
100 Galleria Parkway N.W.  
Atlanta, Georgia 30339  
(770) 933-9500

**McClure, Dan**

---

**From:** McClure, Dan  
**Sent:** Thursday, October 23, 2003 12:33 AM  
**To:** 'jiuyanli@yahoo.com'  
**Subject:** Patent Application for VIA-S3G



Patent Drawings Declaration - Assignment -  
cation\_rev1 (000(00074031).PDFFOA - Multiple I..Llity App - Wit..

Dear Mr. Hong:

In follow-up to our telephone conference, I want to thank you for your willingness to review and execute these documents. The attached documents include the patent application and drawings. This application is directed to the multi-pass rendering system that you co-invented with Jim Xu. Jim Xu has reviewed the attached documents, and has signed off on this version of the patent application.

To execute these documents, please print 3 copies each of the declaration and assignment. The declaration is merely a formal document that is filed with the patent office that states that you are one of the original inventors of this application, and that you believe the invention to be novel. The assignment document merely formally assigns rights that you (by virtue of employment contract) are already obligated to assign to VIA. If you will, please sign three copies of each (in blue ink). Then return them to me. My secretary sent you today (via mail) a copy of these documents, along with a self-addressed, self-stamped return envelope. You can wait to receive that return packet if you wish.

Again, I appreciate your willingness to review and sign these papers, and please do not hesitate to contact me if you have any question at all.

Best regards,  
Dan  
Daniel R. McClure  
Thomas, Kayden, Horstemeyer & Risley, LLP  
100 Galleria Pkwy, NW  
Suite 1750  
Atlanta, GA 30339  
Tel: (770) 933-9500 (ext. 259)  
Fax: (770) 951-0933

**McClure, Dan**

---

**From:** McClure, Dan  
**Sent:** Tuesday, November 18, 2003 3:13 PM  
**To:** 'jiuyanli@yahoo.com'  
**Subject:** FW: Patent Application for VIA-S3G

Dear Mr. Hong:

I was following up on my previous email. Have you had an opportunity to review the application, or do you have any questions about the documents that I'd like you to sign (the declaration and assignment document)?

Dan

-----Original Message-----

**From:** McClure, Dan  
**Sent:** Thursday, October 23, 2003 12:33 AM  
**To:** 'jiuyanli@yahoo.com'  
**Subject:** Patent Application for VIA-S3G



Patent Drawings Declaration - Assignment -  
cation\_rev1 (000(00074031).PDFFOA - Multiple I..Utility App - Wit..

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100 Galleria Pkwy, NW  
Suite 1750  
Atlanta, GA 30339  
Tel: (770) 933-9500 (ext. 259)  
Fax: (770) 951-0933

## McClure, Dan

---

**From:** McClure, Dan  
**Sent:** Tuesday, December 02, 2003 8:11 PM  
**To:** 'jiuyanli@yahoo.com'  
**Subject:** FW: Patent Application for VIA-S3G

Dear Mr. Hong:

I am just following up once again to see if you plan on signing and returning the declaration and assignment documents that I sent to you. If you do not plan to sign them, please reply and let me know, so that I will know to proceed with the patent office filing without your signature.

Best regards,

Dan

-----Original Message-----

**Fr m:** McClure, Dan  
**Sent:** Tuesday, November 18, 2003 3:13 PM  
**T :** 'jiuyanli@yahoo.com'  
**Subject:** FW: Patent Application for VIA-S3G

Dear Mr. Hong:

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Dan

-----Original Message-----

**From:** McClure, Dan  
**Sent:** Thursday, October 23, 2003 12:33 AM  
**T :** 'jiuyanli@yahoo.com'  
**Subject:** Patent Application for VIA-S3G



Patent Drawings Declaration - Assignment -  
cation\_rev1 (000(00074031).PDF>OA - Multiple I..Jutility App - Wit..

Dear Mr. Hong:

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Best regards,  
Dan  
Daniel R. McClure  
Thomas, Kayden, Horstemeyer & Risley, LLP  
100 Galleria Pkwy, NW  
Suite 1750  
Atlanta, GA 30339  
Tel: (770) 933-9500 (ext. 259)  
Fax: (770) 951-0933